

DRAFT MINUTES

DELAWARE COUNTY BOARD OF ADJUSTMENT

1:00 p.m.

Tuesday, June 20, 2023

Conference Room (basement), Delaware County Courthouse

301 E Main Street, Manchester, Iowa

Board Members Present: Chairperson Tammy Eibey, Vice Chairperson Therese Beswick, Board Members Lamont Davidson, Marv Heims, and Randy Rattenborg.

Board Members Excused: None.

Board Members Absent: None.

Staff Member Present: Zoning Administrator Alex Linderwell and ECIA Senior Planner Laura Carstens.

CALL TO ORDER AND ROLL CALL: The meeting was called to order by Chairperson Eibey at 1:00 p.m. A sign-in sheet was distributed to members of the public in attendance.

MINUTES: Motion by Davidson, seconded by Heims, to approve the minutes of the May 16, 2023 Board of Adjustment meeting as submitted. Motion carried by the following vote: Aye – Davidson, Heims, Beswick, Rattenborg, and Eibey; Nay – None.

PUBLIC HEARING: DOCKET # 3-23: Special Exception – Intersection of State Highway 13 and Adams St in Ryan, IA in Hazel Green Township, Section 18, Township 87, Range 5 West, Parcel Identification Number 330180000800. **Applicant:** Buell Consulting, Inc. on behalf of Verizon Wireless. **Owner:** Douglas J. and Jamie A. Carroll. **Proposal:** Construct 259-foot self-supported lattice style cell phone tower.

Chairperson Eibey summarized the request of applicant, Buell Consulting, Inc. to construct a cell phone tower, and asked to open the public hearing. Motion by Davidson, seconded by Heims, to open the public hearing. Motion carried by the following vote: Aye – Davidson, Heims, Beswick, Rattenborg, and Eibey; Nay – None.

Chairperson Eibey asked for a presentation by the applicant. Blair Ransom of Buell Consulting, Inc. spoke in favor of the request. Mr. Ransom explained that the tower is to improve service in Ryan, and to accommodate 2 other providers in addition to Verizon. He noted Delaware County concurrence, and FAA opinion that tower will not be a hazard.

In response to questions from the Board, the applicant noted access will be from Highway 13, and the tower will be approximately 142.6 feet from the road right-of-way (ROW). Discussion followed on how self-support towers collapse, how the setback allows for collapse, proximity to highway and other structures, and additional details in the application. Discussion continued regarding distance from ROW if road expands, setbacks from residential and future buildings, and process for extension of tower to greater height. The applicant and Zoning Administrator Linderwell noted there are no specific setbacks.

Zoning Administrator Linderwell noted that the Zoning Ordinance allows a commercial communications station and tower provided that: a. It shall not be closer to a dwelling or place of public assembly than a

distance equal to one-half (1/2) their height, that the height and location shall not interfere with the operation of any airport or landing strip, and that one (1) parking space per employee and one (1) space for each vehicle used by the facility, be provided. He noted the tower complies with these distances.

Discussion followed on the decommissioning process for cell phone towers. Since there are no zoning regulations, it is a contractual matter between the property owner and the communication provider.

Chairperson Eibey asked for public comments. There no public comments.

Zoning Administrator Linderwell reviewed the proposal, the subject property, and surrounding conditions from the staff report and attached maps. He reviewed the staff analysis of the four standards for approval: Compatibility, Transition, Traffic, and Environmental Protection. He noted comments from the County offices. Discussion followed on the staff analysis and findings of fact.

Chairperson Eibey again asked for public comments. There no other public comments.

Chairperson Eibey asked to close the public hearing. Motion by Heims, seconded by Davidson, to close the public hearing. Motion carried by the following vote: Aye – Davidson, Heims, Beswick, Rattenborg, and Eibey; Nay – None.

Board members reviewed the findings of facts, and discussion followed. Motion by Beswick, seconded by Davidson, , to approve the special exception as presented based on the Board’s determination the proposed special exception is in conformance to the four standards for approval: Compatibility, Transition, Traffic, and Environmental Protection without conditions, as presented in the staff report. Motion carried by the following vote: Aye – Davidson, Heims, Beswick, Rattenborg, and Eibey; Nay – None.

ITEMS FROM PUBLIC: None

ITEMS FROM BOARD: Other Business

ITEMS FROM STAFF: Zoning Administrator Linderwell reported an appeal has been filed on Docket 2-23. Next Meeting: July 18, 2023

ADJOURNMENT: Motion by Davidson, seconded by Beswick, to adjourn the June 20, 2023 Board of Adjustment meeting. Motion carried by the following vote: Aye – Davidson, Heims, Beswick, Rattenborg, and Eibey; Nay – None. The meeting adjourned at 1:36 p.m.

Respectfully submitted,

Alex Linderwell, Zoning Administrator

Adopted: _____

Attachment: 6-20-23 BOA Sign in Sheet